

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHEVRON U.S.A., INC., et al.,)	
)	
Plaintiffs,)	8:09CV203
)	
vs.)	ORDER
)	
A. RANDAL REITZ and)	
DEBRA K. REITZ,)	
)	
Defendants.)	

This matter is before the court sua sponte and pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on June 22, 2009. See [Filing No. 1](#). Accordingly, the deadline for service of process expired **on or about October 22, 2009**. The plaintiffs sought and received leave to serve by publication on July 21, 2009. See [Filing No. 10](#). However, there is no proof of service of process on either defendant. Therefore, the plaintiffs must make a showing of service or good cause for the failure of timely service, or the action must be dismissed. Upon consideration,

IT IS ORDERED:

The plaintiffs shall show cause why this case should not be dismissed for failure to prosecute or electronically file proof of service **on or before November 10, 2009**.

Dated this 28th day of October, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge